

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SALLY WHITE,

Plaintiff,

V.

SMITHS DETECTION, INC., et al.,

Defendants.

Civil Action No. 10-4078 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court on Defendant Smiths Detection Inc.’s and Defendant Brian Bark’s motion to dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) [docket entry 11]; and Defendant Christopher Gane having joined the motion [docket entry 25]; and opposition to the motion having been filed; and the Court having considered the parties’ written submissions; and the Court having opted to rule based on the papers submitted and without oral argument, pursuant to Federal Rule of Civil Procedure 78; and for the reasons expressed in the Opinion filed herewith; and good cause shown,

IT IS on this 22nd day of October, 2010,

ORDERED that Defendants' motion to dismiss be and hereby is **GRANTED IN PART**
AND DENIED IN PART; and it is further

ORDERED that as to Defendants Brian Bark, Smiths Detection, Inc. and Christopher Gane Counts I, IV and V of the Complaint, the motion to dismiss is **GRANTED**; and it is further

ORDERED that as to Defendants Brian Bark and Christopher Gane Counts II and III of the Complaint are **DISMISSED WITHOUT PREJUDICE** and with leave to file an Amended Complaint with regard to these claims within 20 days of the date of this Order; and it is further

ORDERED that insofar as the instant motion seeks dismissal Count VI, seeking punitive damages, the motion to dismiss is **DENIED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge